

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALISHA SILBAUGH, an individual,) No.: 2:17-cv-01759-RSM
)
Plaintiff,) STIPULATED MOTION AND ORDER TO
) STAY DEADLINES
vs.)
)
PETE BUTTIGIEG, Secretary of the) NOTED FOR CONSIDERATION:
Department of Transportation,) July 14, 2021
)
Defendant.)

STIPULATION

Plaintiff Alisha Silbaugh and Defendant Pete Buttigieg, through their respective counsel, hereby stipulate to stay the remaining case deadlines and the trial date until after the Court rules on defendant's pending motion for summary judgment, Dkt. #65. Defendant has moved for summary judgment on all claims.

The court "has broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *see also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). In determining whether to grant a motion to stay, "the competing interests which will be affected by the granting or refusal to grant a stay must be weighed." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)). Those interests include: (1) "the possible damage which may result from the granting of a stay," (2) "the hardship or inequity which a party may suffer in being required to go

1 forward, and (3) “the orderly course of justice measured in terms of the simplifying or
2 complicating of issues, proof, and questions of law which could be expected to result from a
3 stay.” *Id.*

4 In this case, the factors weigh in favor of granting the stay. Considering the first factor,
5 the parties do not anticipate that granting a stay will cause damage to either party. The second
6 factor favors a stay to conserve judicial resources and the parties’ resources. Pretrial deadlines
7 are quickly approaching, including the July 26, 2021 deadline for plaintiff to submit her pretrial
8 statement, the August 5, 2021 deadline for defendant to submit his pretrial statement, and the
9 August 9, 2021 deadline to file motions *in limine*. Those submissions will require significant
10 time and resources. The parties will face hardships if they are required to endure the expense
11 and burden of completing that work when the case may be resolved (or at least the issues
12 narrowed significantly) by the pending motion for summary judgment.

13 The third factor, the orderly course of justice and judicial economy, also weighs in favor
14 of a stay. Judicial economy will be furthered if the Court is not burdened by motions *in limine*
15 that may be unnecessary if the case is dismissed. In addition, the orderly course of justice will be
16 furthered if the parties know what, if any, issues remain for trial before preparing for trial,
17 drafting motions *in limine*, and drafting their pretrial statements.

18 Therefore, the parties request that the Court stay this case pending a ruling on defendant’s
19 motion for summary judgment. If the Court’s ruling on that motion does not resolve the case,
20 the parties will file a joint status report within 30 days after the Court issues its ruling to propose
21 a new trial date and pretrial deadlines.

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: July 14, 2021

Longshot Law, Inc.

3 s/ Chalmers Johnson

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7 Phone: (425) 999-0900
8 Attorney for Plaintiff

9 DATED: July 14, 2021

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10 s/ Sarah K. Morehead

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21 Attorneys for Defendant

1 **ORDER**

2 **IT IS SO ORDERED.** This case is stayed. If the pending dispositive motion does not
3 resolve the case, the parties will file a joint status report within thirty days of the date the Court
4 issues an order on the dispositive motion and request a new trial date and pretrial deadlines.

5 DATED this 14th day of July, 2021.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT JUDGE
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